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10/590,466

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Timo Ali-Vehmas

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EXAMINER

NGUYEN, PHUNG HOANG JOSEPH

ART UNIT

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2614

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/590,466	<b>Applicant(s)</b> ALI-VEHMAS, TIMO	
	<b>Examiner</b> PHUNG-HOANG J. NGUYEN	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on April 2, 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant's amendment filed 3/4/10 has been carefully considered and has been entered. Current standing of the claims as follows:

Claims amended: 1, 15, 27, 30, 32 and 33.

Claims cancelled: 6.

Claims pending: 1-33 with claims 1, 15, 27, 30, 32 and 33 being independent.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 15-26, 31 and 30 are directed to non-statutory subject matter.**

Claim 15 recites "a memory comprising computer program code and claim 30 recites "a storage medium configured to store a computer program". The United States Patent and Trademark Office (USPTO) is obliged to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO. See *In re Zletz*, 893 F.2d 319 (Fed. Cir. 1989) (during patent examination the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium, or storage medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals per se in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. See MPEP 2111.01.

A claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments **to avoid a rejection under 35 U.S.C. § 101 by adding the limitation "non-transitory" to the claim.** Such an amendment would typically not raise the issue of new matter, even when the specification is silent because the broadest reasonable interpretation relies on the ordinary and customary meaning that includes signals per se.

The limited situations in which such an amendment could raise issues of new matter occur, for example, when the specification does not support a non-transitory embodiment because a signal per se is the only viable embodiment such that the amended claim is impermissibly broadened beyond the supporting disclosure.

Furthermore, claims 15 and 30 also recite “computer program” or “computer program code”. Products of manufacture are patentable subject matter and have physical attributes. Computer program or code is not typically physical, but typically consist of disembodied data. To be patentable, disembodied structures must be organized and correlated in such a manner as to present a complete operative invention. In this case, the computer program is not patentable subject matter, per se, MPEP 2106.01 (I).

16-26 and 31 inherits this deficiency.

### ***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4, 7-10, 13-16, 18-22, 24, 27 and 29-33 are rejected under 35**

**U.S.C. 103(a) as obvious over Kleier (US Pub 2002/0009990), and/or further in view of Scheuring et al (US Pub 2002/0131565).**

Claims 1, 15, 27, 30, 32 and 33, Kleier teaches a method a memory, a mobile terminal, a storage medium, and apparatus comprising,

-drawing up a summons to a meeting in a mobile terminal of a convener of a conference call between three or more participants that form a group of participants using respective mobile terminals operating in a wireless network, to arrange a conference call **(Abstract)**

- sending, by the mobile terminal of the convener, the summons to the meeting from the mobile terminal of the convener to all members of the group of participants **((fig. 9 shows the invitation is sent to each user in D2 WAP Group call),**

- receiving, by the mobile terminal of the convener, calls from two or more of the participants in the mobile terminal and joining them to the conference call automatically **(If subscribers 3-6 of the list accept the invitation (or without invitation and automatically), they are connected to the telephone conference circuit by the mobile radio network 2, pars. 0032-35).**

While Kleier does not specifically discuss the summons to the meeting includes an agenda of the conference call,

(Examiner would like to present two rejections)

(i) As indicated above, Kleier does not specifically discuss the summons to the meeting includes an agenda of the conference call, it is obvious to an ordinary artisan that any conference, meeting is called for a certain purpose. An agenda of the conference will preliminarily state the outline, highlight or heading for the participant to prepare for the meeting in advance. Certainly delivery of a summon or an invitation would include the agenda.

(ii) Scheuring teaches the claimed feature as he discusses the setting-up of a conference call where an invitation including an agenda is sent (an agenda is created (640) for the meeting/call. Call elements, such as files, are then attached (650) to an invitation. Assignments are then made (660) for the invitees/participants and a task list to prepare for the meeting is created (670). The method 505 then ends, [0081, 0082) and fig. 6).

It would have been obvious to the ordinary artisan to incorporate the teaching of Scheuring into the teaching of Kleier to clearly define that invitation including agenda is well-known practice in the art. Certainly there is no need of modification of the system or method and thus would cost nothing to the development process, but a noticeable enhancement for marketing.

As to claim 2, Kleier teaches the summons to the meeting is drawn up before the group of participants is formed. *(Before or during the setting-up of the connection, an*

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*enquiry is preferably placed with participants whether the invitation to the conference connection is accepted, par. 0007. This indicates that the invitation is formed and the group is also regardless the order of being formed).*

As to claims 3, 16 and 31, Kleier teaches the group of participants is formed by selecting the participants from a list saved in a memory of a mobile terminal and/or by manually inputting the contact information of the participants (*i.e., the participants 3, 4, 5, 6 of the group of mobile radio subscribers which are stored in the list for which list participant 1 has requested a telephone conference, par. 0032; Or the list can be stored in the mobile radio network, in the mobile terminal or in a SIM card, par. 0028).*

the contact information comprising at least one of telephone numbers, e-mail addresses (*par. 0034*), and Session Initiation Protocol addresses.

As to claim 4, Kleier teaches a method that the group of participants is given a name and the formed group is saved in a memory of the mobile terminal of the convener for later use (*In the menu in FIG. 1, for example, a telephone conference can be initiated to the members of group 1 (friends) by pressing key 1 on the mobile terminal on which this menu is displayed (or acoustically). This correspondingly applies to numbers 2 and 3 of the menu designated as "beer" or "basketball". The name for a menu can be selected arbitrarily by the user of the mobile terminal, par. 0025).*

As to claims 7 and 19, Kleier teaches a method that the summons to the meeting is formed as a character string composed of ASCII characters (*see figs. 7 and 9, the characters used are the ASCII).*

As to claims 8 and 20, Kleier teaches that the summons to the meeting is sent to all members of the group of participants as a text message (*i.e., transmits a message (for example SMS PtP short message or WAP Deck/WAP Card) to the participants in the list for this group, par. 0006*).

As to claims 9 and 21, Kleier teaches that the summons to the meeting is sent to all members of the group of participants as an e-mail message (*the invited participants can be checked via various telecommunication identities, especially telephone numbers, e-mail addresses etc., par. 0034*).

As to claims 10 and 22, Kleier does not specifically that in connection with drawing up the summons to the meeting, a connection is opened to a calendar application in the mobile terminal of the convener and a reservation of time is made in the calendar application.

Scheuring teaches a calendar system to help users schedule their meeting, conference, sending out and responding to event invitation (Abstract and fig. 1)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wu into the teachings of Kleier for the purpose of setting a calendar as a guide of date and time for the call so that the convener can quickly form the summons.

As to claims 13-14, Kleier teaches the convener of the conference call is given a notification by the mobile terminal of the convener when a new participant has been joined to the conference call. Furthermore, the notification is given with an acoustic signal or a recorded voice message (*par. 0030*).

As to claim 18, Kleier teaches the memory wherein the actions further comprise starting the application from a menu of the mobile terminal (*In the menu in FIG. 1, for example, a telephone conference can be initiated to the members of group 1 (friends) by pressing key 1 on the mobile terminal on which this menu is displayed (or acoustically). This correspondingly applies to numbers 2 and 3 of the menu designated as "beer" or "basketball". The name for a menu can be selected arbitrarily by the user of the mobile terminal. If item 4 in FIG. 1 is selected (for example by pressing key 4 on the mobile terminal), the menu according to FIG. 2 is displayed, par. 0025).*

Claim 24, see claim 1 on the discussion of automatic connection.

As to claim 29, Kleier teaches a mobile terminal configured to start the application from a menu of the mobile terminal (*fig. 1 and pars. 0024-0026*).

**Claims 5, 11, 12, 17, 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleier in view of Scheuring further in view of Wu (previously disclosed).**

Claim 5, Kleier does not specifically discuss a time of the conference call and other information concerning the conference call is given in the summons to the meeting.

Wu teaches the time of the conference (see fig. 4A, block 412 for primary start time: 1:30).

Claims 11, 12 and 25, in combination and by obviousness, Kleier and Scheuring teach the summons to the meeting is saved in a memory of the mobile terminal for later use; a duration of the conference call and a name of the group of participants are saved

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in a memory of the mobile terminal; and saving a duration of the conference call and a name of the conference call in the memory of the mobile terminal (Kleier: conference set-up, information, suitably stored/saved in the mobile terminal or mobile radio subscriber identity card, [0008, 0024, 0026, 0032]; Scheuring: The calendaring engine 115 includes a calendar database 117 for storing events and a calendars file 119 for storing calendar preferences and customizations (e.g., graphics, default view, custom names for the calendars, etc.), [0057, 0059]).

Both do not discuss the duration of a conference call and though teaching of the duration of a conference call is obvious for participant's planning, Wu teaches the duration of a conference call (see fig. 4A, block 412 indicating the length of the call is 1 hours).

Furthermore, Wu also teaches the invitation with associated information is saved for future use (*(fig. 8 shows step 810 forwarding the invitation, then the invitation being saved. Upon completion of processing, a determination is made at 810 as to whether the coordinator wishes to forward the invitations to the selected participants. If the coordinator decides in the affirmative then the invitations are forwarded at 812. At 814 a determination is made as to whether the generated telephone conference profile information should be saved. At 816 telephone conference profile information to be saved is provided with an identifier and the process is concluded, col. 10, lines 19-26)*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wu into the teachings of Kleier,

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in view of Scheuring for the purpose of utilizing the memory feature in a mobile device where it can save literally any activities once used for the future use.

As to claims 17 and 28, Kleier, in view of Scheuring, teaches the actions further comprise starting the application (*the menu in FIG. 1, for example, a telephone conference can be initiated to the members of group 1 (friends) by pressing key 1 on the mobile terminal on which this menu is displayed (or acoustically). This correspondingly applies to numbers 2 and 3 of the menu designated as "beer" or "basketball". The name for a menu can be selected arbitrarily by the user of the mobile terminal, par. 0025).*

Kleier does not specifically teach "a starting icon produced on a display of a mobile terminal". Wu teaches the icons on the display (*see figs. 4A-C*) for the purpose of promptly providing a visually interactive choice for the participants.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wu into the teachings of Kleier, in view of Scheuring, for the purpose of maximizing the use of every feature available for the mobile user.

**Claims 23 and 26 are rejected under 35 U.S.C. 103(a) as being obvious over Kleier (US Pub 2002/0009990).**

As to claim 23 and 26, Kleier does not specifically teach separating the received summons to the meeting from other messages that have arrived; and giving a notification to a convener of the conference call when a new participant has been joined to the conference call.

It is, however, obvious to the ordinarily skilled artisans to believe that all messages coming in will be delivered to different folders or having different icons or having different forms of notification based on the header information. It is to let the receivers, whether in a conference call or not, know the differences and to response appropriately. Furthermore, conference call is created in a controlled environment where only certain members of a specific group (i.e., friends, beer, basketball, see fig. 1) are called to the conference. Most will come on time. Few will come late. It is so obvious that when new participant joins, in a very usual situation, a notification (i.e., acoustic sound) would indicate to the convener (if not all) that some one new is just join the call.

Therefore, it would have been obvious to one of ordinary skill in the art at the time to believe in a most logical way to believe that Kleier's system and method would be very capable of separating the received summons to the meeting from other messages that have arrived; and of giving a notification to the convener of the conference call when a new participant has been joined to the conference call.

### ***INQUIRY***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CURTIS KUNTZ/  
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